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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,959	02/25/2004	William Toreki	QMT1.1-CIP2-US	4101

3775 7590 10/31/2005

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EXAMINER

CRAIG, PAULA L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,959	TOREKI ET AL.	
	Examiner	Art Unit	
	Paula L. Craig	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-62 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-30, drawn to a material substrate with bonded polymer chains, classified in class 604, subclass 304.
 - II. Claims 31-47, drawn to an antimicrobial composition, classified in class 514, subclass 2.
 - III. Claims 48-51, drawn to a method of preparation of an antimicrobial composition, classified in class 585, subclass 17.
 - IV. Claims 52-59, drawn to an antimicrobial-coated composition, classified in class 424, subclass 491.
 - V. Claims 60-61, drawn to a method of treating wounds, classified in class 424, subclass 78.06.
 - VI. Claim 62, drawn to an article of clothing, classified in class 424, subclass 404.
2. The inventions are distinct, each from the other because:
3. Inventions I, II, IV, and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. The material, composition, coated

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composition, and article of clothing could all be separately used on the same wound.

See MPEP § 806.05(d).

4. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the antimicrobial composition as claimed could be made by another process.

5. Inventions I and V, II and V, IV and V, and VI and V are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the material, composition, coated composition, or article of clothing as claimed could be used for purposes other than treating wounds.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for each Group is not required for the other Groups, restriction for examination purposes as indicated is proper.

7. Claim 1 is generic to a plurality of disclosed patentably distinct species of the claimed invention, comprising:

Species A: a material having antimicrobial groups with quaternary ammonium structure as generically disclosed in Claim 1 and exemplified by specie of Claim 2.

Species B: a material having biguanide non-ionic antimicrobial groups as generically disclosed in Claim 1 and exemplified by specie of Claim 4.

Species C: a material having a substrate of cellulose as generically disclosed in Claim 1 and exemplified by specie of Claim 7.

Species D: a material having a substrate of polyethylene as generically disclosed in Claim 1 and exemplified by specie of Claim 8.

Species E: a material prepared using a cerium-containing catalyst as generically disclosed in Claim 1 and exemplified by species of Claim 10 (if a cerium-containing catalyst is not elected, Applicant is requested to elect one of the other catalysts specified in the claim).

Species F: a material having polymer chains formed by polymerization of styrene derivatives as generically disclosed in Claim 1 and exemplified by species of Claim 12.

Species G: a material having polymer chains formed by polymerization of dimethylaminoethyl methacrylate:methyl chloride quaternary as generically disclosed in Claim 1 and exemplified by specie of Claim 15.

Species H: a mica powder having a time release property as generically disclosed in Claim 1 and exemplified by the specie of Claim 16.

Species I: a superabsorbent material as generically disclosed in Claim 1 and exemplified by specie of Claim 17.

8. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

9. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

10. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571) 272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571)272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig
Examiner
Art Unit 3761

PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tzalukaeva', written in a cursive style.